

# EPES

CARRIERS, INC.

3400 EDGEFIELD COURT • GREENSBORO, NC 27409 • (910) 668-3358 • FAX (910) 668-7000

July 26, 1996

FHWA Docket No. MCC-96-18  
Federal Highway Administration  
Office of the Chief Counsel  
HCC-10, Room 4232  
400 Seventh Street, S.W.  
Washington, DC 20590

96 JUL 29 P 1:45  
LEGIS./REGS. DIV.

ADMINISTRATION

QA 20608

FHWA-97-2299-24

Gentlemen:

Epes Carriers, Inc. is a transportation holding company performing truckload services of temperature control and general commodity freight. We have four subsidiaries, three of which are based in North Carolina and one in Texas, with in excess of 1,000 trucks on the road.

We want to comment on the above referenced docket as it relates to the following areas:

## HOW CARRIERS SHOULD BE SELECTED FOR AN AUDIT

We feel that the current program of selecting a Carrier for having been involved in a recordable - non-preventable accident is penalizing a Carrier for an act beyond their control. If the Investigating Officer, at the scene of the accident does not cite the driver, then it should not be subjected to that selection process.

Also, we feel that an employee complaint is the wrong way to establish the need for a compliance review. The employer is vulnerable to a disgruntled employee who can run illegal to make more money and when advised he can no longer do that, use the prior activity to substantiate their complaint. Why not have the issue that was raised in the complaint be the only item to be resolved instead of conducting a full compliance review?

DOCKET MC-96-18-21  
PAGE 1 OF 2

## HOW TO MINIMIZE REGIONAL AND AUDITOR VARIATIONS

Although very specific instructions are given to the auditors through audit procedures, there are still many areas that subjective judgment can be used. An example we experienced if a driver falsified his logs and was discovered by the auditor and becomes part of the "pattern" used to determine our Operational Factor, and we were to produce evidence that this driver was in a progressive discipline stage for a prior offense, would we be given credit in the hopes that it would drop the percentage below the "pattern" level. The on-site auditor said no, your Washington, DC office said yes. The Washington office said that discipline progression displays that we are managing the issue as long as it was not going on forever. A central source for determining these subjective areas would help eliminate regional differences (which do exist) and be topic material to train the field auditors.

## WHETHER TO RETAIN THE EXISTING SAFETY RATING CATEGORIES

We feel that the elimination of the Conditional rating would be a positive move and properly assessing the actual safety performance of a Motor Carrier. It does however, raise a question as to how many points will be assessed in the hours of service area thus triggering an Unsatisfactory rating in the Operational Factor which can be part of causing a Carrier to receive an unsatisfactory rating where they would have received a Conditional rating. We also recommend that the procedures specify that the auditor should not pursue presumed problems in an attempt to eliminate a satisfactory rating. This can be prevented by all auditors following the same auditing procedures.

We have not had the opportunity of reading the entire rule making proposal and we are making our comments in the hopes that ,if not addressed in the proposal, you will give them consideration.

Very truly yours,



Tom Thompson

Vice President-Safety

DOCKET MC-96-18-26  
PAGE 2 OF 2